

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-2011

MID-STATE TRUST II,

Plaintiff - Appellee,

versus

HENRY W. MARTIN, JR.,

Defendant - Appellant,

and

HENRY W. MARTIN, SR., a/k/a Henry W. Martin;
IOLA MARTIN,

Defendants.

REAL ESTATE UNLIMITED, L.L.C.,

Movant.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. Matthew J. Perry, Jr., Senior
District Judge. (CA-97-350-6)

Submitted: September 30, 1997

Decided: October 29, 1997

Before HALL and WILLIAMS, Circuit Judges, and PHILLIPS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Henry W. Martin, Jr., Appellant Pro Se. Timothy Graham Sellers,
DELANEY & SELLERS, P.A., Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Henry Martin seeks to appeal the district court's order remanding a removed action to state court. Martin admits that he was served with the initial pleading that commenced the state action in June 1996. He waited until February 1997 to file his notice of removal, well beyond the thirty-day period set forth at 28 U.S.C. § 1446(b) (1994). The district court remanded the matter to the state court from which it was removed because it was untimely. We dismiss the appeal for want of jurisdiction. See 28 U.S.C. § 1447(d) (1994); Quackenbush v. Allstate Ins. Co., ___ U.S. ___, 64 U.S.L.W. 4379, 4381 (U.S. June 3, 1996) (No. 95-244); Wilkins v. Rogers, 581 F.2d 399, 403 (4th Cir. 1978). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process. We dismiss the petition for emergency writ, in which Martin seeks a stay of a state court order, for want of jurisdiction. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983).

DISMISSED